

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VALERIE ROGOFF, for herself and all others
similarly situated,

Plaintiffs,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01157-BJR

ORDER GRANTING DEFENDANT T-
MOBILE USA, INC.'S MOTION TO
STAY PROCEEDINGS PENDING
ACTION BY THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

This matter comes before the Court on Defendant's Motion to Stay Proceedings Pending Action by the Judicial Panel on Multidistrict Litigation (JPML). Dkt. No. 19. For the reasons set forth below, the Court GRANTS Defendant's motion.

This case is one of many lawsuits brought by Defendant's customers following a data security breach. More than two dozen cases related to the data security breach are currently pending in this District, and similar cases are pending in other judicial districts across the country.

On August 23, 2021, plaintiffs in a similar case pending before this Court (*Daruwalla v. T-Mobile USA, Inc.*, No. 2:21-cv-01118-BJR) filed a motion with the JPML seeking an order to transfer several similar cases, as well as any subsequently filed cases involving similar facts or

1 claims, to this District for coordinated or consolidated pretrial proceedings. *In re T-Mobile*
2 *Customer Data Sec. Breach Litig.*, MDL No. 3019, Dkt. No. 1. Defendant responded to that
3 motion by proposing transfer to the U.S. District Court for the Western District of Missouri,
4 while plaintiffs in several other cases have proposed transfer to different judicial districts. The
5 JPML is scheduled to hear the motion to transfer on December 2, 2021. On October 29, 2021,
6 this Court granted a motion filed by Defendant in *Daruwalla* to stay that case in its entirety
7 pending a ruling by the JPML on the motion to transfer. *See Daruwalla*, Dkt. No. 39.

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9 Plaintiff argues that Defendant's motion for a stay should be denied "so that the parties
10 can either submit a stipulation regarding Defendant's evidence preservation obligations, or the
11 Court can enter its own Order regarding those obligations." Dkt. No. 21 at 1. In response,
12 Defendant notes that its duty to preserve evidence does not require such an order, but "attach[es]
13 as soon as a party 'should reasonably know that evidence may be relevant to anticipated
14 litigation.'" *Perez v. United States Postal Serv.*, No. C12- 00315 RSM, 2014 WL 10726125, at
15 *3 (W.D. Wash. July 30, 2014). Defendant indicates that it has already confirmed to Plaintiff's
16 counsel that it is complying with its preservation obligations, and argues Plaintiff have not
17 provided any reason to believe that evidence has been or is being destroyed by Defendant.
18 Given the presumption that Defendant will abide by its duty to preserve evidence and the lack of
19 evidence suggesting that Defendant has failed to comply with its preservation obligations, the
20 Court finds that entry of a preservation order is unnecessary.
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23 Therefore, the Court finds that this matter should be stayed in its entirety pending the
24 JPML's ruling on the pending motion to transfer. Any delay arising from a stay is likely to be
25 short, and Plaintiff has not demonstrated that any significant prejudice would result from a short
26 stay. A stay is also likely to conserve judicial resources, as well as the parties' resources, until

1 the JPML decides whether (and if so, where) to transfer the dozens of similar cases for
2 coordinated or consolidated pretrial proceedings.

3 Therefore, the Court ORDERS that this action is STAYED in its entirety until the JPML
4 rules on the pending motion for transfer of actions for coordinated or consolidated pretrial
5 proceedings.
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7 Dated November 12, 2021.

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10 Barbara Jacobs Rothstein
11 U.S. District Court Judge
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